

#7
PATENT
ATTORNEY DOCKET NO. 041514-5143

2655 1762 ✓

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Confirmation No. 1762
)	
Masakazu OGASAWARA et al.)	Group Art Unit: 2655
)	
Application No.: 09/944,098)	Examiner: G. Patel
)	
Filed: September 4, 2001)	
)	
For: OPTICAL PICKUP DEVICE WITH)	
FOCUS ERROR DETECTING)	
OPTICAL ELEMENT AND)	
METHOD FOR FOCUS ERROR)	
DETECTION (As Amended))	

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MAY 17 2004

Technology Center 2600

AMENDMENT TRANSMITTAL FORM

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

1. Transmitted herewith is an Amendment in response to the Office Action dated **January 8, 2004 (Paper No. 5)**.
2. Additional papers enclosed:

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Drawings: <input checked="" type="checkbox"/> Formal <input type="checkbox"/> Informal (26 replacement sheets) |
| <input type="checkbox"/> | Information Disclosure Statement |
| <input type="checkbox"/> | Form PTO-1449, _____ references included |
| <input type="checkbox"/> | Citations |
| <input type="checkbox"/> | Declaration of Biological Deposit |
| <input type="checkbox"/> | Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence. |

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$ 205.00
<input type="checkbox"/> three months	\$ 930.00	\$ 465.00
<input type="checkbox"/> four months	\$ 1,450.00	\$ 725.00

Extension of time fee due with this request: **\$110.00**.

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	20	minus	20	0	x \$18 each =	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	2	minus	3	0	x \$84 each =	+ \$0.00
[] First presentation of Multiple dependent claim(s)					\$280.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge Deposit Account No. 50-0310 in the amount of **\$110.00** for the one (1) month extension of time fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLPDated: May 10, 2004By: 

David J. Baltazar

(Reg. No. 53,964)

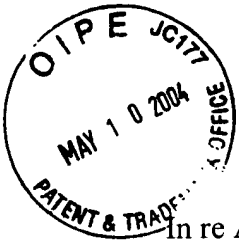
CUSTOMER NO. 09629**MORGAN, LEWIS & BOCKIUS LLP**

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Tel. 202-739-3000

Fax 202-739-3001



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Masakazu OGASAWARA et al.

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Sir:

AMENDMENT

In response to the Office Action dated January 8, 2004 (Paper No. 5), the period for response to which extends through May 10, 2004, as May 8, 2004 falls on a Saturday, please amend the above-identified application as follows.

Petition for Extension of Time

It is respectfully requested that the time for response to the Office Action dated January 8, 2004 be extended for a period of one (1) month from April 8, 2004 up to and including May 10, 2004 as May 8, 2004 falls on a Saturday. The fee for this extension of time is believed to be \$110.00. Please charge the required fee to Morgan, Lewis & Bockius LLP Deposit Account No.

50-0310.

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